

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE MARTINEZ,

Defendant.

96-cr-959 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

Defendant Jose Martinez has moved, for a second time, for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1), commonly referred to as the “compassionate release statute.” (ECF No. 173.) Martinez is currently serving a sentence of life imprisonment for the murders of Antonio Valencia and Freddy Sanchez. His co-defendant, Juan Rodriguez, is also serving a life sentence.

Martinez filed his first compassionate release motion in November, 2021. This Court denied that motion in an Opinion & Order, finding that Martinez had not shown “extraordinary and compelling reasons” meriting a sentence reduction and that such a reduction would not be consistent with the factors set forth in 18 U.S.C. § 3553(a). Specifically, the Court found that Martinez’s age, health conditions, and the dangers of COVID-19 failed to rise to the level of “extraordinary and compelling reasons” justifying a reduced sentence.

Martinez lists additional medical conditions in this application but they do not constitute “extraordinary or compelling reasons” and Martinez presents no evidence to suggest that the Bureau of Prisons is unable to provide him with adequate medical care. Furthermore, the COVID-19 pandemic has only become better controlled and less deadly over the 18 months since the Court denied Martinez’s first application. FCI Hazelton, where Martinez is serving his sentence, currently reports zero positive cases of COVID-19 among inmates. *BOP COVID-19 Statistics*, Fed. Bureau Prisons, https://www.bop.gov/coronavirus/covid19_statistics.html (last updated May 25, 2023).

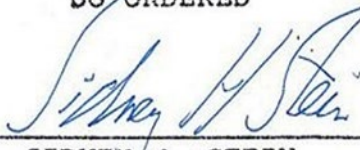
The Court also found in the 2021 Opinion & Order that a reduction in Martinez’s sentence would not be consistent with the section 3553(a) factors. Martinez was convicted on five counts for the murders of Valencia and Sanchez, including substantive murder in aid of racketeering in violation of 18 U.S.C. § 1959(a)(1). The horrifying details of these murders cannot be overstated. According to the evidence

presented at trial, Martinez and Rodriguez faced a cocaine debt totaling nearly \$1 million and murdered Valencia and Sanchez to erase that debt. Martinez shot Valencia, and after Valencia continued to move Rodriguez fired an additional two shots into Valencia's head. Martinez received a payment of \$1,000 from Rodriguez for his role.

In sum, Martinez proffers no additional evidence that alters the Court's earlier conclusion that a reduction in his sentence is not warranted. He has failed to show "extraordinary and compelling reasons" justifying a reduction and such a reduction would be inconsistent with the section 3553(a) factors. Accordingly, Martinez's motion for a sentence reduction is denied. The Clerk of Court is directed to mail a copy of this Order to defendant as follows: Jose Martinez [19912-050], FCI Hazelton, Federal Correctional Institution, P.O. Box 5000, Bruceton Mills, WV 26525.

Dated: New York, New York

May 26, 2023

SO ORDERED


SIDNEY H. STEIN
U.S.D.J.